

**REMARKS**

Claims 1-6, 8, 11, and 12 are pending and are rejected.

Claims 5 and 8 are cancelled without prejudice and disclaimer, claims 1, 3, 6, 11, and 12 are amended, and claim 13 is added.

**Claims**

**Rejection under 35 USC 101, as being directed to non-statutory matter**

Responsive to the rejection of claims 1-6, applicants have cancelled claims 5 and 8, and amended claims 1, 3, and 6 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention.

Specifically, claim 1 is amended to recite a method for controlling user spending of a user purchasing television programs, comprising the steps of detecting a user request; providing a plurality of selectively actuatable entries for single-user spending limits each spending limit being associated with a different-length time period, in response to the user request; receiving selection of at least one of the plurality of selectively actuatable entries and a spending limit for the selected at least one of the plurality of selectively actuatable entries; tracking user spending on purchasing television programs during the time period associated with each selected entry; and notifying the user, when purchasing a television program would exceed the spending limit during the time period for any selected entry.

Claim 3 is amended to conform to the changes made to claim 1, and claim 6 is amended to depend directly from claim 1.

Since the addition of the notifying step, applicants submit that amended claim 1, and dependent claims 2-4, and 6, are directed to statutory subject matter.

**Rejection under 35 USC 102(b), as being anticipated by  
US 5,559,871 ("Smith")**

Responding to the rejection of claims 1-6, 8, and 11-12 as being anticipated by Smith, applicants have cancelled claims 5 and 8, and amended claims 1, 3, 6, 11, and 12. Applicants submit that Smith does not anticipate amended claims 1, 3, 6, 11, and 12 for the reasons discussed below.

As discussed above, amended claim 1 recites a method for controlling user spending of a user purchasing television programs, and notifying the user, when purchasing a television program would exceed the speeding limit during the time period for any selected entry. Thus, a user would not be able to purchase a television program, such as a pay-per-view program, if purchasing the program would exceed the spending limit during the time period for any selected entry.

By contrast, Smith does not disclose a method for controlling user expending for purchasing television programs. Smith actually discloses a telephone network or adjunct to the network, which permits a customer to pre-specify the limit of charges that a customer is willing to pay for a call or notifies the customer when specified charge amounts are reached. A user normally does not know the charge until after the call has been completed. See col. 1, lines 22-28. Smith solves this problem by allowing a user to pre-specify the spending limit and notifying the user during a call when the spending

limit is about to reach. Thus, Smith does not disclose a spending control for purchasing television programs, as recited in amended claim 1. As such, Smith does not anticipate amended claim 1, and dependent claims 2-4, and 6.

Furthermore, amended claim 6 recites the steps of performing a check to see if a spending limit for a shorter time period is greater than a spending limit entry for a longer time period; and providing the user warning if the spending limit for the shorter time period is greater. These two steps are used to ensure that the spending limit for a shorter time period is not greater than a spending limit for a longer time period. Nowhere does Smith disclose or suggest such steps. Thus, claim 6 is patentable over Smith for this reason alone.

Amended claims 11 and 12 recite similar features as amended claim 1. Thus, both claims, and new dependent claim 13 of claim 12, are patentable over Smith for similar reasons discussed above with respect to claim 1.

Furthermore, amended claim 11 includes a television apparatus, and claim 12 recites a television apparatus. Nowhere does Smith disclose or suggest a television apparatus. Thus, claims 11, 12, and dependent claim 13, are patentable over Smith for this reason alone.

Furthermore, new claim 13 recites similar features as claim 6. As such, the arguments made above with respect to claim 6 are also applicable to claim 13, and claim 13 is patentable for this reason alone.

### **CONCLUSION**

In view of the foregoing remarks and amendments, the Applicant believes that he

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has overcome all of the Examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Applicant requests that he contact their undersigned attorney in order to resolve any outstanding issues without the necessity of issuing another Office Action.

**FEE**

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Non-Fee Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

3-30-04  
Date

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